

# Judge Hits CIA Policy On Suspects

CPYRGHT

RICHMOND (UPI) — The Chief of the U.S. 4th Circuit Court of Appeals said Wednesday the Central Intelligence Agency may be resorting to slander to discredit persons it suspects of being communist agents.

Judge Clement F. Haynsworth criticized the CIA's methods in hearing an appeal from a naturalized Canadian who won praise as a Guerilla fighter against Russia in World War II.

THE MAN, Eerik Heine, 47, led freedom fighters in the captive Baltic States of Estonia. The CIA now brands him a Soviet KGB agent and says he penetrated Estonian immigrant groups in Canada and the United States.

Heine, of the Montreal suburb of Roxdale, asked the court to force open CIA files and make the agency prove that his accuser, a Hyattsville, Md., man works for the super-secret agency and is immune from prosecution for slander in a \$110,000 suit.

His accuser is Juri Raus, publicly an engineer for the U. S. Bureau of Roads, privately on the CIA payroll, the agency said, to glean information from Estonian immigrants. Raus also was a guerilla fighter against Russia when the Baltic states were seized.

CIA Director Richard Helms, in Federal District Court in Baltimore, Md., defended Raus, he was on the Agency's payroll when he called Heine a KGB agent.

SINCE THE lower court hearing, however, the CIA has dropped out of the case, at least in public.

Judge Haynsworth said the agency's policy appeared to show an extraordinary instance of the exercise of governmental authority.

He said it appeared that top CIA officials could order agents to "go out and slander an individual."

Haynsworth also asked attorneys for Raus why, if the CIA is vitally concerned with national security aspects of the case, did it ever get involved in the first place instead of "leaving the defendant to fend for himself."

Raus' attorney said the CIA

had to defend its agent as a matter of principle to avoid paying slander damages to a person it believes is an enemy agent.

RAUS INVOKED the cloak of national security in his defense and said if the CIA had to explain how he worked for them or to submit detailed proof of employment then national security would be damaged.

Attorneys for Heine, who believed they have a landmark case, argued that if Raus can commit the slander they claimed, then the CIA would have "Carte Blanche" to hurl accusations against any citizen.

They said a "more penetrating inquiry" by the courts might show Raus in fact is no more an employee of the CIA "than the rank and file of the Retail Clerks International Association."

If Raus and the CIA win, the Heine lawyers said, "a travel agency, the National Student Association, the Ancient Order of Hibernians, the American Express Company or the Trapp Family Singers" could slander at will.

Raus was charged with calling Heine a KGB agent during speeches to Estonian groups in New York during November, 1963, and in Maryland during 1964.

The court's decision was expected in two to three months.

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